

From: Lewis Kopp
To: Microsoft ATR
Date: 1/25/02 5:09pm
Subject: Comments on the Microsoft Anti-Trust Settlement

To Whom It May Concern:

I have been involved with computers since the late 70's, having built a MITS Altair 8800 computer, bought an Apple][in '79, and used everything from: a Kaypro "portable" computer that weighed around 25 pounds; DEC PDP-11/23's & 11/73's; DEC Vax and Alpha computers, Apple Macintosh computers, various brands of PCs (I was the micro-computer specialist for the Cleveland VA at one time); and so on. Up to the current PC's with Intel Pentium 4 processors and Macintosh G4s. I even have a paper tape backup of MITS Basic that, I believe, was the first product that Bill Gates wrote and sold.

That paper tape also represents probably the last thing the Bill Gates wrote and originated. Since that point he has made use of his true genius as a marketing person and knowing what products to buy or copy to take Microsoft to the point where it virtually totally dominates the market. The courts have finally admitted what most people in the industry with an ounce of common sense have known for years - that Microsoft was, is, and with the current, proposed settlement will always be - a monopoly.

Better products that Microsoft couldn't buy have been slaughtered in the market place by Microsoft's overwhelming advantage of writing both the operating system AND the primary business applications used under that operating system. Microsoft has NEVER had the best operating system, they have simply have one that is generally adequate along with a set of applications that are pretty good. But this combination and their marketing muscle have led to them dictating terms to businesses around the world. Due to the need for data compatibility between computers, people have been forced to use Microsoft products - whether they wanted to or not.

The proposed settlement largely ignores reality and the way people and companies actually work. When a manager's salary depends on how many employees he manages, it is not likely that he will ever pick a product that would reduce the need for his employees. Consequently, Microsoft products are picked and Information Systems departments (especially the support departments) continue to grow. Along the same lines, consultants will rarely recommend a product that would not require them to come back and help train and maintain it. These realities mean that the proposed settlement is largely a farce and will not in any way curb Microsoft's anti-competitive practices. This is evident in the release of the latest version of their operating systems, Windows XP. Now users will basically be required to have an internet connection so that they

can register their copy of XP. And this isn't just the first time they use it! No, they have to do this if they make too extensive of a modification to their computer - whether due to upgrading it or replacement of defective components as well as on a yearly basis. And the yearly registration isn't free! Sure, they get upgrades installed automatically during the year, but the upgrades get installed whether or not they want them! As a software engineer, I know that this is likely to be a nightmare for anyone who uses XP. User: "The computer was working fine yesterday, but now it won't work. I didn't change anything so what happened?" Tech: " Well, there's a problem with the latest update of XP for your particular model of computer. That update was installed automatically when you logged onto the internet this morning."

Microsoft's new initiatives for copy protection of music and movies is yet another example of them using their dominance to dictate terms to the public and businesses. In this case, they may have some assistance from shortsighted Hollywood executives who will do anything they can to make it impossible for the average person to make fair use of music or videos that they buy, even though it doesn't prevent a determined professional from making copies that they can then bootleg and who represent the vast majority of illegal copies.

Personally, I believe that Microsoft should be split into at least two companies - one systems software and one application software. The two companies should not be allowed to deal with each other anymore closely than either would with a third party company. This sort of solution would bring competition back into the marketplace instead of letting Microsoft continue on as they have in the past - which is what they did after the previous settlement and is what they will do if the proposed settlement is put into place. As a secondary issue, the monitoring process proposed would be a waste of taxpayer money as well as being totally ineffective.

I urge that the proposed settlement be rejected and one put in place that will prevent the abuses that Microsoft has been perpetuating for so long! The courts have ruled that Microsoft is a monopoly. They should be treated as such and broken up.

Sincerely,

Lewis Kopp